

**DRAFT**  
**Zoning Board of Adjustment**  
**Meeting Minutes**  
**June 14, 2016**

**Members:** Steve Filipi, Gretchen Wittenborg, Bob Handy, Jack Ernst, Cathy Davis and Carmen Yon and Chad Beede, ZBA Alternates.

**Others Present:** Susan Silverman, Selectmen's Representative, Tom Parker, Sue Wood, Frank Bateman and Dorothy Zug, and Norman and Joan Dion

**CTO:** 7:00 PM.

**7:00 PM Public hearing continued. David and Margot LaPointe** application appealing, under RSA 674:41, II, from an Administrative Decision of the Board of Selectmen denying a building permit for property located at 25 Rantilla Lane, Map 38, Lot 9, Rural District.

Filipi asked if the Board had reviewed the Fillmore legal opinion prior to the meeting. They agreed they had. Wittenborg summarized the opinion, which indicates that the case should never have come before the Board. She added the Board does not have the authority to extend an appeal period. In this case, the appeal period ran out on March 12, 2013, 30 days after February 11, 2013, the date the Board of Selectmen notified the applicant of their administrative decision to deny a construction permit for the property.

The applicant first filed an appeal with the ZBA on March 29, 2013, however, he immediately requested it be withdrawn. Mr. LaPointe filed another appeal from the Selectmen's decision with the ZBA on April 8, 2016. A public hearing was scheduled and the ZBA held public hearings on the case on May 10, 2016 and May 31, 2016, and conducted a site walk of the property on May 11, 2016. Until the Fillmore legal opinion was received today, June 14, 2016, the ZBA was prepared to grant a request submitted by email on June 13, 2016 from the applicant to postpone (continue) the hearing "for personal reasons", to their next meeting on July 12, 2016.

The Board discussed how this situation should be managed given the legal opinion. Filipi said the Board convened tonight at Mr. LaPointe's request to postpone/continue the hearing to July 12, 2016, but now they are not authorized to hear the case at all.

Handy moved, Ernst seconded and the Board voted unanimously to deny the application appealing the administrative decision of the Board of Selectmen because it was not filed within the 30 day appeal period which started on February 11, 2013.

Abutter Dorothy Zug asked if the applicant could apply again to the Board of Selectmen and if denied, appeal to the ZBA. Selectman Silverman noted the Board had received a letter from DES regarding the LaPointe property and they will be following up.

**Minutes.** The Board reviewed the May 31, 2016 meeting minutes. There were several amendments. Wittenborg moved, Handy seconded and the Board approved the minutes as amended.

Ernst moved, Wittenborg seconded and the Board adjourned the meeting at 7:30 PM.